

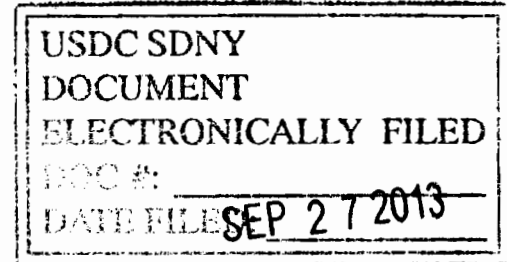
THE LAW OFFICES OF  
ANDREW J. FRISCH

40 FULTON STREET  
23RD FLOOR  
NEW YORK, NEW YORK 10038

(212) 285-8000  
FAX: (646) 304-0352  
WWW.ANDREWFRISCH.COM

September 26, 2013

The Honorable Laura Taylor Swain  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007



Re: United States v. Bonventre et. al.  
Criminal Docket No. 10-cr-228 (LTS)

Dear Judge Swain:

On behalf of all defendants, this letter is submitted to respectfully request that the Court consider an alternative seating arrangement in this matter, which is scheduled to be tried in the ceremonial courtroom. While we appreciate the challenges involved in configuring the seating for that particular room, we have a suggestion that we believe will be fairer to the defense as a whole.

Specifically, after yesterday's status conference, which was our first opportunity to see the proposed layout and respective seating of the parties in the ceremonial courtroom, defense counsel agreed that the seating unduly and unnecessarily prejudices the defendants. Unlike other courtrooms in the Courthouse in which the parties sit in alternate rows perpendicular to jury, the seating as currently constituted permits the government to occupy the two rows perpendicular and immediately next to the jury box, while all of the defendants and their attorneys will be seated in two rows on the other side of the room. The unfairness is exacerbated by the especially close proximity of the two rows of government tables next to the jury.

We believe it would be fairer if the tables were arranged so that the government occupies a row of tables closest to the bench (utilizing the entire width of the courtroom), while the defense occupies the next row (similarly utilizing the entire width). We appreciate that the logistics of the room and number of participants makes it difficult to fashion a perfect layout, but we believe that the overriding objective should be equal distance from the jury.

We appreciate Your Honor's consideration of our concerns and proposal.

Respectfully submitted,

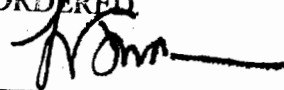


Andrew J. Frisch

cc: All Counsel

The request is  
denied. This resolves  
docket entry number  
456.

SO ORDERED



NEW YORK, NY

LAURA TAYLOR SWAIN

Sept 27, 2013 UNITED STATES DISTRICT JUDGE